

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:16-cv-00695-GCM

BARONIUS PRESS, LTD.,	)	
	)	
Plaintiff,	)	<b>BARONIUS PRESS, LTD.’S</b>
	)	<b>SUPPLEMENTAL RESPONSES TO DEFENDANT</b>
v.	)	<b>SAINT BENEDICT PRESS, LLC’S SECOND</b>
	)	<b>SET OF INTERROGATORIES AND</b>
	)	<b>REQUESTS FOR PRODUCTION OF</b>
SAINT BENEDICT PRESS LLC,	)	<b>DOCUMENTS</b>
	)	
Defendant.	)	

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Plaintiff Baronius Press, Ltd. (hereinafter “Baronius Press”), by and through undersigned counsel hereby submits its supplemental responses and objections to Defendant, Saint Benedict Press, LLC (hereinafter “Saint Benedict ”) Second Set of Interrogatories and Requests for Production of Documents (hereinafter “Requests or Discovery Requests”). Said supplemental responses and objections are in addition to Baronius Press’ prior discovery responses. Said supplemental responses are limited to discoverable evidence including in particular references to the matters set forth in Plaintiff’s complaint pertaining to allegations of copyright infringement related to *Fundamentals*. Said supplemental responses and objections are as follows:

**PRELIMINARY STATEMENT**

Plaintiff Baronius Press has made a reasonable and good faith effort to respond to those discovery requests that are intelligible in the context of this matter and not otherwise objectionable. Plaintiff Baronius Press has not yet completed their investigation of the facts relating to this protest, received all documents relating to this protest, interviewed witnesses in connection with this protest, or completed their discovery or preparation of the factual and legal issues in this protest. Each of the following responses, therefore, is based upon information

12. Plaintiff Baronius Press' failure to object to the Requests on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional or further ground(s). Subject to and without waiving any objection stated herein, and unless otherwise indicated, Plaintiff Baronius Press will provide responses to Defendant Saint Benedict's discovery requests based on information that is believed to be complete and accurate as of the present date. Plaintiff Baronius Press' investigation of the factual matters relating to this litigation is ongoing. Plaintiff Baronius Press reserves the right to amend and/or supplement its responses and objections, as may become necessary, in accordance with applicable provisions of the Federal Rules of Civil Procedure and relevant case law.

13. The foregoing General Objections are incorporated by reference into each of the following specific responses and objections to Defendant Saint Benedict's Requests, and all such specific responses are made subject to and without waiver of the foregoing general objections, whether or not specifically reiterated in the specific responses themselves.

### **INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff hereby provides its supplemental responses to Defendant's' Second Set of Interrogatories subject to the General Objections and specific objections set forth below.

1. State all damages that You contend You suffered as a result of Saint Benedict's selling of the Work, include in Your response the total dollar figure of all damages You contend You have suffered and any formula You used to come up with such figure. For example, if You contend that Your damages are \$30.00, You would state \$30.00 and then break down the amount such as: \$10.00 for lost sales of the Work, \$10.00 for lost sales of other Works, \$10.00 for attorney fees.

### **ANSWER:**

Plaintiff claims various losses (i) lost sales of the Work (ii) lost sales of other works (iii) profits made by Defendant as a result of advertising of Defendant's various products, brands and imprints that caused or contributed to the profits Defendant made from the sale of the infringing Work and (iv) attorney's fees and associated costs of litigation.

At this moment, plaintiff is only able to provide the calculation for (i) lost sales of the

Work and (ii) lost sales of other works. Such calculations have been made using Plaintiff data of sales made in the USA from the launch of *Fundamentals* to September 28, 2018.

USPS Media Mail 3lbs	\$		Postage collected on orders	\$		\$	
fulfilment	\$		Estimated cost of P&P			\$	
Total P&P	\$					-\$	
			Direct Sales			-\$	

  

Sales in the USA April to Sept 28, 2018 (08:00 CET)						
Channel	Copies	per copy (gross)	postage income	P&P cost	per copy (net)	Value
Amazon		\$49.16	\$	-\$	\$	\$
Direct Sales		\$59.95	\$	-\$	\$	\$
Trade Sales		\$	\$	\$	\$	\$
						\$

  

Add on sales	\$	
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Average profit per copy	\$	
Printing cost	-\$	
Average Add on Sales	\$	
Lost profit per copy	\$	

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Plaintiff Second Set of Written Discovery Requests.

As with the Defendant's First, Second and Third Written Discovery Requests, Plaintiff reserves its right to supplement its responses to Defendant's Second Set of Written Interrogatory requests.

Respectfully submitted this the 28<sup>th</sup> day of September, 2018.

/s/ Mark W. Ishman

Mark W. Ishman

NC Bar No. 27908

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/s/ Kristin G. Garris

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **SUPPLEMENTAL RESPONSES TO DEFENDANT's SECOND SET OF WRITTEN DISCOVERY REQUESTS** was served on the parties hereto by email and U.S. mail to the following recipients:

Jonathan E. Buchan  
Natalie D. Potter  
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This the 28<sup>th</sup> day of September, 2018.

/s/ Mark W. Ishman  
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